

SAMPLE POLICY: FAIR HOUSING - HARASSMENT & RETALIATION



**Fair Housing
Partners of
Washington State**

Revised 12-10

Protected Class Harassment & Retaliation Policy

The Fair Housing Partners of Washington State have developed this sample policy to assist you and your staff in dealing with harassment and intimidation of protected classes, and in dealing with possible acts of retaliation against a resident or employee because that person asserted rights under fair housing laws.

The Fair Housing Partners have also collaborated to create other resources for housing providers, available in print and CD format:

- Fair Housing in Washington State – Top 100 Most Frequently Asked Questions for Housing Providers and Managers
- Sample Policies:
 - Reasonable Accommodations & Modifications for People with Disabilities
 - Service Animals
 - Domestic Violence
- Disability Access Resources
- “Fair Housing Update” (free online newsletter)
- Fair housing posters (specific to each fair housing agency)

You can contact your local fair housing agency for technical assistance. To share your comments about this sample policy, contact the King County Office of Civil Rights: 206-296-7592, TTY Relay: 711, Civil-Rights.OCR@kingcounty.gov.



**Washington State Human Rights Commission
King County Office of Civil Rights
Seattle Office for Civil Rights
Tacoma Human Rights and Human Services Department
Fair Housing Center of Washington
Northwest Fair Housing Alliance**

This information does not constitute legal advice.
The fair housing laws are subject to change. If you have questions about fair housing issues, please contact one of the agencies listed in Appendix A.

AVAILABLE IN ALTERNATE FORMATS UPON REQUEST
Contact King County OCR, 206-296-7592, TTY Relay: 711

HARASSMENT & RETALIATION POLICY

BACKGROUND

Harassment

Under fair housing laws, "harassment" includes abusive, foul or threatening language or conduct directed at a resident, employee or guest because of protected class (such as race, color, national origin, religion, sex, disability, familial status, sexual orientation, etc.). Harassment is conduct that is sufficiently severe and/or pervasive to affect one's ability to use and enjoy their housing. Harassing conduct includes:

- Coercing a person, orally, in writing, or by other means, to deny or limit that person's benefits in connection with the sale or rental of a dwelling or in connection with a residential real estate-related transaction because of protected class.

Examples:

- A staff person tells a negative joke about Asians in front of the manager, who does nothing about it.
 - A leasing agent makes fun of a resident who wears a turban.
- Threatening, intimidating or interfering with persons in their enjoyment of a dwelling because of their protected class, or that of their visitors or associates.

Examples:

- A landlord warns a resident that he will be evicted if he continues to have visitors who are Mexican.
- A male maintenance worker openly ogles female residents at the pool, making them feel uncomfortable.

Retaliation

Fair housing laws define retaliation as unlawful coercion, intimidation, threats, or interference with anyone who exercises or enjoys fair housing rights. These laws also include protection against retaliation because a person aided or encouraged someone else to exercise or enjoy any fair housing right. Conduct considered retaliation includes:

- Taking negative actions against anyone because that person has made a complaint about possible discrimination to management.

Examples:

- A landlord issues a 20-day termination notice to a resident because she complained about maintenance staff making sexually explicit comments to her.
- An assistant manager rarely issues 10-day notices for noise, but begins issuing them to a resident who has complained about a neighbor making racial comments.

- A condominium board fails to notify a homeowner of an association meeting because the homeowner requested a reasonable accommodation for his disability.
- Taking negative actions against someone because that person is engaging in activities designed to make others aware of, or encouraging such others to exercise, rights granted or protected by fair housing laws.

Examples:

- After a landlord learns a resident handed out fair housing brochures, he denies the resident's request to use the community room for a party.
- A manager fires a maintenance worker who told a resident with a disability that he could request installation of grab bars in his bathroom as a reasonable modification.
- Taking negative actions against someone because that person has testified, assisted, or participated in an investigation under fair housing laws.

Examples:

- A manager tells an employee he will be "watching her closely" because she gave testimony in a housing discrimination complaint filed against the property.
- After a resident advocates for a neighbor who was experiencing sexual orientation harassment from a staff person, the manager denies the resident's request to transfer to another apartment.
- Threatening or taking an adverse employment action against an employee who assisted someone seeking to rent, buy or sell, because of the person's protected class or because the person associated with others in a protected class.

Examples:

- A landlord tells an employee she will be fired if she rents to African Americans.
- A manager tells the assistant manager she'll get a negative performance evaluation if she continues encouraging families with children to apply for rental.
- A condo board tells its property management company that their contract will be cancelled if they allow a resident to keep a therapeutic assistance animal.

HARASSMENT & RETALIATION POLICY

GUIDELINES FOR STAFF

It is our policy that we will not tolerate harassment or intimidation of a resident, guest or staff person because of that person's protected class – race, color, national origin, religion, sex, disability, familial status, **(insert additional local protected classes depending on the location of your property)**. Discriminatory harassment and intimidation are violations of the fair housing laws and are prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior based on someone's protected class.

Any staff person who witnesses or learns of possible discriminatory harassment or intimidation, or receives a complaint from a resident must take it seriously and respond promptly according to this policy. Harassing or intimidating behavior in violation of fair housing laws will be considered a tenancy rule violation and may be grounds for termination of tenancy.

All staff shall model appropriate non-discriminatory behavior. We will strive to cultivate and maintain a living environment that is free from harassment or intimidation. All staff should be familiar with how to recognize and address discriminatory harassment or intimidation.

Our policy also prohibits retaliation (coercion, intimidation, threats, or interference) against any person who has exercised fair housing rights or helped another person to exercise them, or participated in any fair housing investigation.

PROCEDURES

In cases of emergency, such as immediate threat of bodily harm, call 911.

If a staff person observes an incident of discriminatory harassment, alert management about the situation promptly.

When a resident complains of discriminatory harassment, tell the resident that you take the complaint seriously and will look into the matter. Ask for a written complaint, or document the complaint in writing yourself.

Conduct a prompt investigation to determine whether a violation of this policy has occurred based on all facts and circumstances, the nature of the allegation, and the context in which the alleged incidents occurred.

- When discussing the allegations with the alleged harasser(s), remind them that harassment and retaliation is not tolerated and state that it is your company policy to investigate all such allegations.
- Thoroughly document all information gathered.

If you are unable to verify a violation of the policy following the investigation:

- Document the complaint and results of the investigation in both the complaining person's and alleged harasser's files.
- Remind anyone alleged to have engaged in discriminatory harassment about management's commitment to a housing environment free of harassment, and that retaliation against the complaining person or others who were involved will not be tolerated.
- Promptly inform the complaining person of the results of the investigation and, as appropriate, the actions taken by management.
- For ongoing resident conflict that cannot be verified as motivated by illegal discrimination, staff may wish to refer residents to the local Dispute Resolution Center or other local mediation services, or hire an outside consultant/mediator.

If the investigation indicates a violation of the policy:

- Document the complaint and results of the investigation in both the complaining person's and alleged harasser's files.
- Proceed with progressive disciplinary action up to and including eviction of the harasser, if necessary, for ongoing or serious violations. For example, if the allegation involves an isolated incident of a single derogatory statement, it may be appropriate to issue the harasser a 10-day notice to comply with a stern written warning that additional incidents could result in termination of tenancy. On the other hand, if the allegation involves a single incident of violence, a notice to terminate tenancy may be appropriate.
- Promptly inform the complaining person of the results of the investigation and, as appropriate, the actions taken by management.
- Remind all those involved that retaliation against the complaining person or others involved in the investigation will not be tolerated.
- Monitor for retaliation by any alleged harasser and deal with it in the same manner as allegations of discriminatory harassment under this policy.

RESOURCES

If you have any questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency listed on the attached sheet.

HARASSMENT & RETALIATION POLICY

GUIDELINES FOR RESIDENTS

HARASSMENT & RETALIATION POLICY

It is our policy that we will not tolerate harassment or intimidation of a resident, guest or staff person because of that person's protected class – race, color, national origin, religion, sex, disability, familial status, **(insert additional local protected classes depending on the location of your property)**. Discriminatory harassment and intimidation are violations of the fair housing laws and are prohibited. Harassment and intimidation include abusive, foul or threatening language or behavior based on someone's protected class.

We will not tolerate retaliation by staff or residents against anyone who complains of discriminatory harassment or intimidation or who asserts his or her rights under fair housing laws (intended to include retaliation based on other reasons). We will not tolerate retaliation by staff or residents against any witness who provides evidence or participates in an investigation of discriminatory harassment or intimidation.

PROCEDURES

If you experience or witness discriminatory harassment or intimidation, you are strongly encouraged to address or report the incident as follows:

- In cases involving immediate threat of bodily harm, call 911.
- If you are the victim of a hate crime such as vandalized property or a threat of harm to yourself or your property, contact your local police department's hate crime unit.
- If you feel safe doing so, ask the person doing the harassing to stop the behavior.
- Report the problem to **[insert contact info for designated staff person(s)]**.
- Management will take your complaint seriously and get back to you after looking into the matter.
- If you believe management has failed to take appropriate action regarding your complaints of discriminatory harassment or intimidation, contact **[insert contact info for property management company]** or a fair housing agency in your area listed on the attached sheet.
- If you believe that the person you complained about or anyone else has treated you badly because you complained about discriminatory harassment or intimidation, report the retaliatory behavior to **[insert contact info for property management company]** or a fair housing agency.

If you have questions regarding your rights and responsibilities under the fair housing laws, contact a fair housing agency in your area listed on the attached sheet.
--

FAIR HOUSING AGENCIES IN WASHINGTON STATE

U.S. Dept. of Housing & Urban Development Fair Housing 909 First Avenue Suite 205 Seattle, WA 98104-1000	Washington State Human Rights Commission 711 S. Capitol Way Suite 402 Olympia, WA 98504-2490	King County Office of Civil Rights Yesler Building 400 Yesler Way Room 260 Seattle, WA 98104-2683	Seattle Office for Civil Rights 810 Third Avenue Suite 750 Seattle, WA 98104-1627	Tacoma Human Rights & Human Services Dept. 747 Market Street Room 836 Tacoma, WA 98402-3779
206-220-5170 800-877-0246 TTY 206-220-5185 Fax 206-220-5447	360-753-6770 800-233-3247 (in WA) TTY 800-300-7525 Fax 360-586-2282	206-296-7592 TTY Relay: 711 Fax 206-296-4329	206-684-4500 TTY 206-684-4503 Fax 206-684-0332	253-591-5151 TTY 253-591-5153 Fax 253-591-5050
www.hud.gov/local/sea/seafhome.html	www.hum.wa.gov	www.kingcounty.gov/civilrights	www.seattle.gov/civilrights	www.cityoftacoma.org/humanrights
<u>Protected Classes</u> Race Color National Origin Religion Sex Disability Familial Status	<u>Protected Classes</u> Race Color National Origin Creed Sex Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Veteran/Military Status	<u>Protected Classes</u> Race Color National Origin Religion Gender Disability Familial Status Marital Status Sexual Orientation (incl. gender identity) Age Section 8 Ancestry Use of a Service or Assistive Animal	<u>Protected Classes</u> Race Color National Origin Religion/Creed Sex Disability Parental Status Marital Status Sexual Orientation Gender Identity Age Section 8 Political Ideology Veteran/Military Status	<u>Protected Classes</u> Race Color National Origin Religion Sex Disability Familial Status Marital Status Sexual Orientation Gender Identity Age Ancestry Veteran/Military Status
File within 1 year <u>Jurisdiction:</u> United States	File within 1 year <u>Jurisdiction:</u> Washington	File within 365 days <u>Jurisdiction:</u> Unincorporated King County	File within 180 days <u>Jurisdiction:</u> City of Seattle	File within 1 year <u>Jurisdiction:</u> City of Tacoma
Fair housing laws prohibit retaliation: an act of harm by anyone against a person who has asserted fair housing rights, informally complains of discrimination, files a civil rights complaint, or is otherwise involved in an investigation.				
NOTE: City of Bellevue investigates fair housing violations based on participation in the Section 8 Program. To file a complaint, contact Code Compliance, 450 110th Ave. NE, P.O. Box 90012, Bellevue, WA 98009, 425-452-4570, e-mail: codecompliance@bellevuewa.gov , web: www.bellevuewa.gov/reportproblem.htm .				
<u>The organizations below advocate for fair housing, and provide training, education and outreach</u>				
Fair Housing Center of Washington 1517 S. Fawcett Avenue, Suite 250 Tacoma, WA 98402		253-274-9523 or 888-766-8800 (toll free) Fax 253-274-8220 www.fhcwashington.org		
Northwest Fair Housing Alliance 35 West Main Avenue, Suite 250 Spokane, WA 99201		509-325-2665 or 800-200-FAIR (in 509 area code) Fax 509-325-2716 www.nwfairhouse.org		